
By: **Delegates Amedori, Bohanan, Boteler, Bromwell, Cluster, DeBoy, Dwyer, Elliott, Elmore, Frank, Glassman, Haddaway, Hogan, Impallaria, Jennings, Kach, McComas, McConkey, McDonough, McMillan, Miller, Minnick, Myers, O'Donnell, Sossi, Stocksedale, Stull, Trueschler, Walkup, Weir, and Zirkin**

Introduced and read first time: February 26, 2004
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Homicide - Use of Deadly Force in a Business Establishment or Residence -**
3 **Defense**

4 FOR the purpose of establishing that a certain person who uses deadly force or force
5 likely to cause death in the person's business establishment is presumed to have
6 held a reasonable fear of imminent peril of death or serious physical injury to
7 the person or an employee of the person's business establishment, if force is used
8 against another who enters or has entered the person's business establishment
9 unlawfully and forcibly; providing that a person is not civilly liable for any act
10 arising from the use of deadly force or force likely to cause death in protecting or
11 attempting to protect the person or an employee of the person's business
12 establishment; providing that certain provisions of this Act apply to an owner,
13 lessor, or supervisory employee of a business establishment; establishing that a
14 person who uses deadly force or force likely to cause death in the person's
15 residence is presumed to have held a reasonable fear of imminent peril of death
16 or serious physical injury to the person or a member of the person's family or
17 household, if the force is used against another who enters or has entered the
18 person's residence unlawfully and forcibly; providing that a person is not civilly
19 liable for any act arising from the use of deadly force or force likely to cause
20 death in protecting or attempting to protect the person or a member of the
21 person's family or household; defining a certain term; providing for the
22 application of this Act; and generally relating to the use of deadly force in a
23 business establishment or residence.

24 BY adding to
25 Article - Criminal Law
26 Section 2-210 and 2-211
27 Annotated Code of Maryland
28 (2002 Volume and 2003 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Criminal Law**

4 2-210.

5 (A) (1) IN THIS SECTION, "BUSINESS ESTABLISHMENT" MEANS A PLACE IN
6 WHICH:

7 (I) AT LEAST ONE PERSON IS EMPLOYED; AND

8 (II) THE OCCUPANT REGULARLY ENGAGES IN ACTIVITIES RELATED
9 TO COMMERCE, INDUSTRY, OR TRADE.

10 (2) "BUSINESS ESTABLISHMENT" INCLUDES A BUILDING OR STRUCTURE
11 USED IN CONNECTION WITH THE ACTIVITIES DESCRIBED IN PARAGRAPH (1)(II) OF
12 THIS SUBSECTION.

13 (B) THIS SECTION APPLIES TO AN OWNER, LESSOR, OR SUPERVISORY
14 EMPLOYEE OF A BUSINESS ESTABLISHMENT.

15 (C) A PERSON WHO USES DEADLY FORCE OR FORCE LIKELY TO CAUSE DEATH
16 IN THE PERSON'S BUSINESS ESTABLISHMENT IS PRESUMED TO HAVE HELD A
17 REASONABLE FEAR OF IMMINENT PERIL OF DEATH OR SERIOUS PHYSICAL INJURY
18 TO THE PERSON OR AN EMPLOYEE OF THE PERSON'S BUSINESS ESTABLISHMENT, IF
19 THE FORCE IS USED AGAINST ANOTHER WHO ENTERS OR HAS ENTERED THE
20 PERSON'S BUSINESS ESTABLISHMENT UNLAWFULLY AND FORCIBLY.

21 (D) A PERSON DESCRIBED IN SUBSECTION (B) OF THIS SECTION IS NOT
22 CIVILLY LIABLE FOR ANY ACT ARISING FROM THE USE OF DEADLY FORCE OR FORCE
23 LIKELY TO CAUSE DEATH IN PROTECTING OR ATTEMPTING TO PROTECT THE PERSON
24 OR AN EMPLOYEE OF THE PERSON'S BUSINESS ESTABLISHMENT.

25 2-211.

26 (A) A PERSON WHO USES DEADLY FORCE OR FORCE LIKELY TO CAUSE DEATH
27 IN THE PERSON'S RESIDENCE IS PRESUMED TO HAVE HELD A REASONABLE FEAR OF
28 IMMINENT PERIL OF DEATH OR SERIOUS PHYSICAL INJURY TO THE PERSON OR A
29 MEMBER OF THE PERSON'S FAMILY OR HOUSEHOLD, IF THE FORCE IS USED AGAINST
30 ANOTHER WHO ENTERS OR HAS ENTERED THE PERSON'S RESIDENCE UNLAWFULLY
31 AND FORCIBLY.

32 (B) A PERSON DESCRIBED IN SUBSECTION (A) OF THIS SECTION IS NOT
33 CIVILLY LIABLE FOR ANY ACT ARISING FROM THE USE OF DEADLY FORCE OR FORCE
34 LIKELY TO CAUSE DEATH IN PROTECTING OR ATTEMPTING TO PROTECT THE PERSON
35 OR A MEMBER OF THE PERSON'S FAMILY OR HOUSEHOLD.

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
37 construed to apply retroactively and shall be applied to and interpreted to affect any

1 use of deadly force or force likely to cause death by a person within the person's
2 business establishment or residence occurring on or after January 1, 2001.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2004.